

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

GREG DEHRING,

Plaintiff,

Case Number 10-13959  
Honorable Thomas L. Ludington

v.

KEYSTONE SHIPPING CO. et al.,

Defendants.

---

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING AS  
PREMATURE DEFENDANTS' MOTION FOR SUMMARY DISPOSITION AND  
DENYING PLAINTIFF'S RULE 56(f) MOTION AS MOOT**

This matter is before the Court on a report and recommendation [Dkt. #26] issued by Magistrate Judge Charles E. Binder on January 12, 2011. Judge Binder recommends that the Court deny as premature Defendants' motion for summary disposition [Dkt. #6] for the reasons states from the bench at the conclusion of oral argument. As a result, Judge Binder further recommends that Plaintiff's motion pursuant to Federal Rule of Civil Procedure 56(f) be denied as moot.

As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Judge Binder's report and recommendation [Dkt #26] is **ADOPTED**.

It is further **ORDERED** that Defendants' motion for summary disposition [Dkt. #6] is

**DENIED AS PREMATURE.**

It is further **ORDERED** that Plaintiff's Rule 50(f) motion is **DENIED AS MOOT.**

s/Thomas L. Ludington

THOMAS L. LUDINGTON

United States District Judge

Dated: February 28, 2011

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 28, 2011.

s/Tracy A. Jacobs

TRACY A. JACOBS